

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

Postal Rate Commission
Submitted 6/20/2005 10:32 am
Filing ID: 45105

Postal Rate and Fee Changes]
Pursuant to Public Law 108-18]

DOCKET NO. R2005-1

DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORIES DBP/USPS-
88, 90, 103, 129, 145, AND 147.

I move to compel responses to the interrogatories submitted to the United States Postal Service that were either not answered by them or have been objected to by them.

June 20, 2005

Respectfully submitted,

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528
R20051GGmtc

On May 17, 2005, I submitted Interrogatory DBP/USPS-88. On June 6, 2005, the Postal Service filed an objection to that interrogatory on the basis that it would take hundreds and hundreds of work hours to provide.

The interrogatory reads as follows:

DBP/USPS-88 Please refer to your response to DBP/USPS-49 subpart h. Please provide a similar listing to the response provided in Docket R2001-1 Interrogatory DBP/USPS-65 subpart d. Please provide a listing and details of all post offices that do not send or receive shipments of Express Mail on all days of the week Monday through Saturday except for holidays. Are shipments made on some or all of the legal holidays? If so, please provide the details.

The Postal Service stated in their objection to the underlying Objection to DBP/USPS-49 subpart h that in Presiding Officer's Ruling No. R97-1/53 at 5 concluded that "generally the operational details of a service are beyond the scope of material issues in a rate proceeding." The Postal Service overlooks the sentence before the quoted one which states, "The details of Express Mail service are relevant to the value of its service."

This information was provided by the Postal Service in responses to various interrogatories asked and answered in Docket R2001-1. DBP/USPS-65 subparts a through c state that all of the possible scenarios for Express Mail receive either next day or second day delivery as required 365/366 days a year. OCA/USPS-27 provides a listing of 20 post offices that do not receive daily deliveries of Express Mail [two in Minnesota and 18 in Alaska]. Subpart d of DBP/USPS-65 and OCA/USPS-235 provide the details of the dates and times for these 20 post offices.

The information being sought in DBP/USPS-88 is identical to that which was asked and answered in the previous Docket R2001-1. Due to apparent changes in the delivery of Express Mail¹, it became necessary break out separately next day, second calendar day, and third calendar day or later as well as the use of the word calendar prior to the word day into the interrogatory rather than the format that was utilized in Docket R2001-1.

Apparently it did not take hundreds and hundreds of hours to provide the identical data in R2001-1. Furthermore, this information is needed to fully evaluate the level of Express Mail service. Note the response to DBP/USPS-89 indicates that with the exception of those exceptions provided in response to DBP/USPS-88, full Express Mail service exists at all points. It is noted that as a result of the efforts in R2001-1, the Postal Service provided a listing of those offices that provide Sunday and holiday delivery to both street addresses and post office boxes. This provides the public with the actual level of service that is available and allows them to make an educated decision on the service to utilize to meet their mailing needs. The Postal Service should be required to indicate those offices that do not have complete service as indicated on their website. For example, if I go to the USPS website and query the status of Express Mail sent on Thursday June 23rd from Englewood NJ 07631 to Hyder AK 99923, I will be told 2 days or Saturday June 25th. However, Hyder AK is on the data provided that it has mail only on Monday and Thursday making Saturday delivery impossible to achieve.

Follow-up interrogatory DBP/USPS-127 was filed to the Response to DBP/USPS-88.

The Postal Service will need to determine this information to continue with their efforts to provide proper information to the mailing public. Furthermore, this information should be available at the area offices for their own areas and therefore easily obtainable without

¹ As noted in Complaint Case C2005-1.

expending hundreds and hundreds of work hours since these offices are the exception to the rule.

On May 27, 2005, I submitted Interrogatory DBP/USPS-90. On June 8, 2005, the Postal Service filed an objection to that interrogatory on the basis of security.

The interrogatory reads as follows:

DBP/USPS-90 The USPSNEWSLINK for today, May 27, 2005, indicates that there is a new course for Registered Mail training - course number 31500-00. Please file a copy of all course material for this course as well as any other training material for handling/processing Registered Mail as a Library Reference in this Docket and furnish me with a copy of the same material.

Based on the 70% increase in proposed Registered Mail fees, I am trying to evaluate as many aspects of the service as I can. If there is a security concern, then I would request that the data be provided under protective conditions. The Postal Service also indicates that the requested material shows how internal Postal Service remittances are moved. The part that deals with processing of remittances as opposed to handling of Registered Mail can be redacted.

I should have the ability to evaluate the method of processing Registered Mail and not have to allow the Postal Service to determine the materiality.

On May 31, 2005, I submitted Interrogatory DBP/USPS-103. On June 10, 2005, the Postal Service filed an objection to subparts b, c, and d of that interrogatory on the basis of relevance and commercial sensitivity.

The interrogatory reads as follows:

DBP/USPS-103 Please refer to your response to DBP/USPS-49 subparts e and f. [a] Please provide a listing of the "many factors" and "local area considerations" that are taken into account in determining whether to provide Sunday/holiday delivery or not. [b] Please provide copies of any directives, guidelines, etc. of the Headquarters EMCCB as they relate to providing or not providing service on Sunday/holiday. [c] Please provide copies of any directives, guidelines, etc. of the Headquarters EMCCB as they relate to providing or not providing regular overnight service [d] Please provide copies of any directives, guidelines,

etc. of the Headquarters EMCCB as they relate to providing service by 12 noon vs. 3 PM at an office.

The requested information does not request data which is involved with the operational minutiae of the Express Mail network. The information being requested is the national guidelines that exist on whether to provide or not provide Sunday/holiday service, to provide or not provide regular overnight service, and to provide 12 noon vs. 3 PM service. These are three basic concepts to the value of service of Express Mail. I did not ask for evaluations of requests made by an individual office to make a local change. What I asked for was the directives and guidelines issued by Headquarters that local facilities are expected to follow. The claim of commercial sensitivity made at the top of page 3 would appear to be irrelevant since I did not and am not requesting local office information.

On June 6, 2005, I submitted Interrogatory DBP/USPS-129. On June 16, 2005, the Postal Service filed an objection to subparts a and b of that interrogatory on the basis of relevance and security.

The interrogatory reads as follows:

DBP/USPS-129 Please refer to your response to DBP/USPS-8 subpart g. [a] Since there appears to be a significant difference in the percent on time for the 19 different categories of mailpieces, please provide the details and specifics of each of the 19 categories of mailpieces [A through S], such as dimensions, weight, method of addressing, etc. [b] Since the CDLTR mailpiece category C seems to have an on time record of a letter and significantly better than a card, please provide a sample of this type of mailpiece. [c] Please provide a tabulation of the EXFC scores by letter, card, and flat shapes for overnight, 2-day, and 3-day mail for each quarter of the past three years.

In the corrected response to DBP/USPS-8 subpart g, the Postal Service has already provided data for each of the 19 categories of mailpieces in a number of categories, namely, whether the address was printed or handwritten, whether the address contained a ZIP Code and the type of ZIP Code, whether the article has a pre-applied barcode, whether there were any special services, and whether postage stamps or a postage meter is utilized.

The only information left to provide to respond to subpart b is the size of the envelope and the weight of the envelope. For example, is it a #6-3/4, #9, or #10 envelope? Is it a one ounce, 2-

ounce, or 3-ounce letter? Interrogatory DBP/USPS-171 filed June 16th asks for data on the CONFIRM barcode. Once all of this information is provided, it will be possible to evaluate the performance and determine the extent to which each of these characteristics affects the level of service received and the value of service to the mailer.

Providing the three missing pieces of information will allow for a full evaluation of the differences between the different types of mailpieces that are used in the EXFC program and lead to information relating to the value of First-Class Mail. The disclosure of this information will have no effect on compromising the integrity of the program. There are millions of pieces of 1-, 2-, and 3- ounce letters and different size envelopes sent every day. Disclosing this information will have no effect on compromising the integrity of the program.

I do agree that furnishing the sample piece requested in subpart b might have a slight compromise to the program. Therefore, I would modify my request to receiving a full description of the physical characteristics of the mailpiece without providing any information on the printing that may appear on the mailpiece.

On June 7, 2005, I submitted Interrogatory DBP/USPS-145. On June 17, 2005, the Postal Service filed an objection to that interrogatory on the basis of burden, relevance, and materiality.

The interrogatory reads as follows:

DBP/USPS-145 Please describe in detail the steps and processes that are involved in the delivery of the following types of mail from the time that it arrives at the delivery post office until the article has been delivered and all of the actions associated with the delivery are completed:

- [1] A mailpiece sent Certified Mail
- [2] A mailpiece sent Certified Mail with an Electronic Return Receipt
- [3] A mailpiece sent Certified Mail with a hardcopy Return Receipt [PS Form 3811]
- [4] A mailpiece with Delivery Confirmation

sent to each of the following addresses:

- [a] A single mailpiece sent to a typical residential address in Englewood NJ or a similar sized post office.
- [b] Mail sent to Internal Revenue Service, Andover MA 05501.
- [c] Mail sent to Internal Revenue Service, Philadelphia PA 19255
- [d] Mail sent to Internal Revenue Service, Memphis TN 37501.

- [e] Mail sent to Internal Revenue Service, Atlanta GA 39901
- [f] Mail sent to Internal Revenue Service, Kansas City MO 64999
- [g] Mail sent to Internal Revenue Service, Austin TX 73301
- [h] Mail sent to Internal Revenue Service, Fresno CA 93888
- [i] Mail sent to government agencies in Washington DC ZIP Codes 202-205.

If different steps and processes are utilized with the IRS depending on whether it is during the tax season as opposed to not during the tax season or for any other reason, please describe all steps and processes and the condition under which they are utilized.

If different steps and processes are utilized with the Washington DC post office depending on the size or type of agency or for any other reason, please describe all steps and processes and the condition under which they are utilized.

Please indicate in each of your detailed explanations the point at which the control of the mailpiece is transferred from the Postal Service to the addressee,

The Postal Service claims a burden of 90 hours to complete. The Postal Service appears to be exaggerating that calculation by stating that there are four types of mail at each of the 9 facilities. The four types of mail are all similar pieces of accountable mail so the responses at each of the facilities should be similar for the four types. Seven of the nine facilities are the national IRS centers so it should be possible to prepare a single questionnaire which would apply at all seven IRS facilities and perhaps even at the other two offices.

As noted at the bottom of page 2 and top of page 3 of the Postal Service Objection, this is an issue which has been addressed in each of the last three rate cases. Based on the information provided in the previous rate cases in which it was determined that there were many questions and problems in providing the proper level of service for Certified Mail and Return Receipts, it is important to determine the steps and processes that are involved in the handling of this accountable mail to ensure that the customer is receiving the level and value of service that they are paying for. Since the last rate case, I have had numerous problems with accountable mail sent to government agencies and large organizations in Washington DC and to local IRS facilities.

This interrogatory goes directly to the heart of the question and asks for the minimum amount of information that is necessary. Subpart a is chosen to allow for comparison of what takes place with a single mailpiece sent to a typical residential address and allows it be compared to what takes place with mail sent to the IRS. All seven IRS facilities have been chosen to allow

for a full countrywide evaluation. Washington DC was added because of the volume of mail involved and the problems that I have experienced in the past.

On June 7, 2005, I submitted Interrogatory DBP/USPS-147. On June 17, 2005, the Postal Service filed an objection to that interrogatory on the basis of relevance.

The interrogatory reads as follows:

DBP/USPS-147 If a post office provides retail window service and/or collection from an Express Mail collection box on a Sunday, will the overnight service area be the one that is normally in use during the week, such as on a Tuesday for delivery on Wednesday, or will it be the one that is utilized for Saturday to Sunday delivery [except that delivery will be to every office rather than the restricted Sunday/holiday list]? If neither, please describe.

This question asks a very simple question, namely if I mail an Express Mail letter on a Sunday, does the Postal Service utilize the full countrywide transportation level or the restricted weekend surface level. Instead of just providing a simple one word answer, "weekday" or "weekend", the Postal Service has objected to this interrogatory.

Checking a number of listings on the USPS website appears to indicate that it is the weekend transportation level.

This information is needed to provide the last missing link in the level of Express Mail service and the value of service to the customer.

For the reasons stated, I move to compel responses to the referenced interrogatories since they are reasonably calculated to lead to the discovery of admissible evidence.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

David B. Popkin June 20, 2005
